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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,303	01/11/2010	Jose Ignacio Llorente Gonzalez	U 016462-6	9206
140	7590	04/11/2012	EXAMINER	
LADAS & PARRY LLP			LEE, DOUGLAS S	
1040 Avenue of the Americas			ART UNIT	
NEW YORK, NY 10018-3738			PAPER NUMBER	
			2121	
			NOTIFICATION DATE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/591,303	Applicant(s) LLORENTE GONZALEZ ET AL.	
	Examiner DOUGLAS LEE	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-10 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-10 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/1/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that claim 1 is directed to an active power regulating system, and yet dependent claims 8-10 are directed to a process for an active power regulating system. Should these claims be depended on claim 5 (which is a process claim)?

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Abb Research LTD (WO 01/73518).

Regarding claim 1, Abb discloses an active power regulating system of a wind farm, the wind farm comprising an array of aerogenerators (Ai) (fig. 4, windmills), a communications network (RS) (CNET 1-3, wind park network), and a monitoring and control system (ST) (figs. 2 and 3, power controller 11), the system comprising: - means for connecting to said monitoring and control system (ST) (fig. 2, connections), - means for receiving data relative to the apparent power Pout put out by the farm at all times (fig. 3, PCTRL 113), and data relative to variables and states of the aerogenerators (Ai) (fig. 3, CALCN 111), from said monitoring and control system (ST), - means for comparing said output apparent

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power P_{out} with a preset apparent power set-point P_{cons} of the farm (fig. 5A, element 21P), - means for continuously adjusting said output apparent power P_{out} (fig. 5A, elements 18P and 19P), such that this output apparent power P_{out} approaches at all times the preset power set-point P_{cons} ".

Regarding claim 2, Abb discloses characterized in that said means for continuous adjustment of the output apparent power P_{out} comprise: - means for calculating the regulation capability of the farm at every moment according to said data relative to the output apparent power P_{out} and said data relative to variables and states of the aerogenerators (A_i) (fig. 3, CALCN 111), - means for selecting which aerogenerator or aerogenerators (A_{iselec}) may be actuated (Fig.2, pitch controller 9, page 12, lines 18-27), according to said data relative to variables and states of the aerogenerators (A_i), - means for sending to said one or more aerogenerators (A_{iselec}) selected via the monitoring and control system (ST) (see page 12, lines 18-27) and the communications network (RS) of the farm, commands relative to: - regulation of the power set-point (see page 12, lines 18-27), or operating point, and/or shutdown and startup.

Regarding claim 4, Abb discloses means for calculating the active power trend (fig. 3, CALCN 111, page 13, lines 20-30).

Regarding claim 5, Abb discloses an active power regulation process of a wind farm, the wind farm comprising a group of aerogenerators (A_i) (fig. 4, windmills), a communications network (RS) (CNET 1-3, wind park network), and a monitoring and control system (ST), the process comprising: receiving from said

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monitoring and control system (ST) data relative to the apparent power P_{out} put out at every moment by the farm (fig. 3, PCTRL 113), and data relative to variables and states of the aerogenerators (A_i) (fig. 3, CALCN 111), comparing said output apparent power P_{out} with a preset apparent power set point P_{cons} of the farm (fig. 5A, element 21P), continuously adjusting said output apparent power P_{out} (fig. 5A, elements 18P and 19P), so that this output apparent power P_{out} approaches at every moment the preset power set-point P_{con} .

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 3 and 6-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Abb Research LTD (WO 01/73518) in view of Wobben (US Pat. 6,724,097).

Regarding claim 3, the sole difference between this claim and Abb is the system sends a shutdown command to one or more aerogenerators if P_{out} is greater

than Pcons. However, Wobben teaches that the wind park management can be easily adapted to the respective situations which arise. Thus it is very easily possible for example to implement different throttling of the power output of individual installations if an individual installation or a plurality of installations of a wind park are (have to be) taken off the network, if either for maintenance reasons or for other reasons and an individual installation or a plurality of installations have to be temporarily shut down. Thus it would have been obvious one skilled in the wind farm art to incorporate such use of a data processor which is connected to the data inputs of the windmills of Abb so that the system sends a shutdown command to one or more aerogenerators if P_{out} is greater than Pcons.

Regarding claims 6-8, this claim is rejected for the same reasons applied above rejected claim 3.

Regarding claim 9, the sole difference between this claim and Abb is one or more aerogenerators is prioritized with respect to the shutdown or startup of another or other aerogenerators. However, Wobben teaches that the wind park management can be easily adapted to the respective situations which arise.

Thus it is very easily possible for example to implement different throttling of the power output of individual installations if an individual installation or a plurality of installations of a wind park are (have to be) taken off the network, if either for maintenance reasons or for other reasons and an individual installation or a plurality of installations have to be temporarily shut down. Thus it would have

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been obvious one skilled in the wind farm art to incorporate such use of a data processor which is connected to the data inputs of the windmills of Abb so that the one or more windmills is prioritized with respect to the shutdown or startup of another or other aerogenerators.

Regarding claim 10, the sole difference between this claim and Abb is the shutdown or startup of said one or more aerogenerators is prioritized with respect to the regulation of the power set-point, or operating point, of another or other aerogenerators. However, Wobben teaches that the wind park management can be easily adapted to the respective situations which arise. Thus it is very easily possible for example to implement different throttling of the power output of individual installations if an individual installation or a plurality of installations of a wind park are (have to be) taken off the network, if either for maintenance reasons or for other reasons and an individual installation or a plurality of installations have to be temporarily shut down. Thus it would have been obvious one skilled in the wind farm art to incorporate such use of a data processor which is connected to the data inputs of the windmills of Abb so that the shutdown or startup of said one or more aerogenerators is prioritized with respect to the regulation of the power set-point, or operating point, of another or other aerogenerators.

CONCLUSION

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham, can be reached on (571) 272-7079 or via e-mail addressed to [john.cottingham@uspto.gov]. The fax number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [doug.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

/D. S. L./

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2121